

AMENDED IN ASSEMBLY APRIL 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 715**

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**Introduced by Assembly Member Caballero**

February 26, 2009

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An act to amend Section 36933 of the Government Code, relating to ordinances.

LEGISLATIVE COUNSEL'S DIGEST

AB 715, as amended, Caballero. City ordinances: publishing and posting requirements.

Existing law requires the city clerk, within 15 days after the passage of an ordinance by the city council, to cause the ordinance to be published ~~or posted according to specified procedures, one of which requires both the city council to publish a summary of the ordinance, with the names of those city council members voting for and against the ordinance, and the city clerk to post the full text of the ordinance in the office of the city clerk, with the names of those city council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the city, as specified.~~

This bill would authorize the city clerk to ~~post the full text of the ordinance either in the office of the city clerk~~ *either publish the ordinance in a newspaper of general circulation or on the official Internet Web site of the city and to mail notice of passage of the ordinance to those who have filed written requests for mailed notice, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 36933 of the Government Code is amended to read:

36933. (a) (1) Within 15 days after its passage, the city clerk shall ~~do either of the following:~~~~cause~~

(A) Cause each ordinance to be published at least once, with the names of those city council members voting for and against the ordinance, in a newspaper of general circulation published and circulated in the city, or if there is none, he or she shall cause it to be posted in at least three public places in the city or published in a newspaper of general circulation printed and published in the county and circulated in the city.

(B) Post the ordinance, with the names of those city council members voting for and against the ordinance, on the city's official Internet Web site and mail notice of passage of the ordinance to those who have filed a written request for mailed notices. Any written request for mailed notices shall be valid for one year from the date on which it was filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year.

(2) In cities incorporated less than one year, the city council may determine whether ordinances are to be published or posted. Ordinances shall not be published in a newspaper if the charge exceeds the customary rate charged by the newspaper for publication of private legal notices, but these ordinances shall be posted in the manner and at the time required by this section.

(b) Except as provided in Section 36937, an ordinance shall not take effect or be valid unless it is published or posted in substantially the manner and at the time required by this section.

(c) The publication or posting of ordinances, as required by subdivision (a), may be satisfied by either of the following actions:

(1) The city council may publish a summary of a proposed ordinance or proposed amendment to an existing ordinance. The summary shall be prepared by an official designated by the city council. A summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the proposed ordinance or amendment or alteration thereto is to be adopted. Within 15 days

1 after adoption of the ordinance or amendment, the city council  
2 shall publish a summary of the ordinance or amendment with the  
3 names of those city council members voting for and against the  
4 ordinance or amendment, and the city clerk shall post in the office  
5 of the city clerk ~~or on the official Internet Web site of the city~~ a  
6 certified copy of the full text of the adopted ordinance or  
7 amendment along with the names of those city council members  
8 voting for and against the ordinance or amendment; or

9 (2) If the city official designated by the city council determines  
10 that it is not feasible to prepare a fair and adequate summary of  
11 the proposed or adopted ordinance or amendment, and if the city  
12 council so orders, a display advertisement of at least one-quarter  
13 of a page in a newspaper of general circulation in the city shall be  
14 published at least five days prior to the city council meeting at  
15 which the proposed ordinance or amendment or alteration thereto  
16 is to be adopted. Within 15 days after adoption of the ordinance  
17 or amendment, a display advertisement of at least one-quarter of  
18 a page shall be published. The advertisement shall indicate the  
19 general nature of, and provide information about, the proposed or  
20 adopted ordinance or amendment, including information sufficient  
21 to enable the public to obtain copies of the complete text of the  
22 ordinance or amendment, and the names of those city council  
23 members voting for and against the ordinance or amendment.

24 (d) (1) Any member of the public may file with the city clerk,  
25 or any other person designated by the governing body to receive  
26 these requests, a request for notice of specific proposed ordinances  
27 or proposed amendments to ordinances.

28 (2) Notice pursuant to paragraph (1) shall be mailed or otherwise  
29 transmitted at least five days before the council is scheduled to  
30 take action on the proposed ordinances or proposed amendments  
31 to an ordinance. Notice may be given by written notice properly  
32 mailed or by e-mail if the requesting member of the public provides  
33 an e-mail address. Notice may be in the form specified in either  
34 paragraph (1) or (2) of subdivision (c), as determined by the city  
35 council.

36 (3) As an alternative to providing notice as requested of specific  
37 proposed ordinances or proposed amendments to ordinances, the  
38 city clerk, or other person designated by the governing body, may  
39 place the requesting member of the public on a general mailing  
40 list that gives timely notice of all governing body public meetings

1 at which proposed ordinances or proposed amendments to  
2 ordinances may be heard, as provided in Section 54954.1. If this  
3 alternative is selected, the requesting member of the public shall  
4 be so advised.

5 (4) The city may charge a fee that is reasonably related to the  
6 costs of providing notice pursuant to this subdivision. The city  
7 may require each request to be annually renewed.

8 (5) Failure of the requesting person to receive the information  
9 pursuant to this subdivision shall not constitute grounds for any  
10 court to invalidate an otherwise properly adopted ordinance or  
11 amendment to an ordinance.

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